

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JERMAINE WILLIAMS,

CASE NO. 06-61536-CIV-DIMITROULEAS
(00-6312-CR-DIMITROULEAS) ✓

Petitioner,

vs.

JORGE PASTRANA,

Respondent.

ORDER DENYING APPOINTMENT OF COUNSEL

THIS CAUSE is before the Court upon the Petitioner's December 6, 2006 Request For Appellate Attorney [DE-8]. The Court has carefully considered the matter and is otherwise fully advised in the premises, and finds as follows:

On October 11, 2006, Jermaine Williams filed this Petition For Writ of Habeas Corpus [DE-1]. On October 23, 2006, this Court entered its Final Judgment and Order Dismissing Case [DE-3]. On October 24, 2004, Magistrate Judge White recommended that the petition be denied. [DE-4]. Because the Court had already entered Final Judgment and withdrawn the reference to the Magistrate Judge, the Court entered an order striking the Report and Recommendation of the Magistrate [DE-5]. It is this Order striking the Magistrate's Report and Recommendation that Mr. Williams has sought to appeal. It is a frivolous appeal.

On October 23, 2000, the Federal Public Defender was appointed to represent Williams. [CR-DE-3]. On January 15, 2002, Williams pled guilty. [CR-DE-77]. On April 3, 2000, Williams was sentenced to 200 months in prison. [CR-DE-81]. On August 5, 2003, the Eleventh Circuit reversed and remanded for re-sentencing. [CR-DE-95]. U.S. v. Williams, 340 F. 3d 1231

(11th Cir. 2003). On October 21, 2003, the clerk re-assigned this case to the undersigned. [CR-DE-97]. On December 4, 2003, this Court sentenced Williams to 185 months in prison. [CR-DE-99]. When Williams did not file an appeal, his sentence became final ten (10) days later. The Public Defender's appointment ended when the case became final. Williams is not entitled to counsel on collateral attack or an appeal from a collateral attack. Coleman v. Thompson, 111 S. Ct. 2546, 2566 (1991); U.S. v. Taylor, 414 F. 3d 528, 535 (4th Cir. 2005).

Accordingly, it is ORDERED AND ADJUDGED that Williams Motion For Appointment of Counsel [DE-8] is hereby Denied, without prejudice to his applying for such relief in the Eleventh Circuit Court of Appeals.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 15th day of December, 2006.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

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Eleventh Circuit Court of Appeals

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